

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 85-31

AMENDING ORDER NO. 84-19 REQUIRING

PACIFIC REFINING COMPANY, CONTRA COSTA COUNTY, TO CEASE AND
DESIST FROM DISCHARGING WASTES CONTRARY TO REQUIREMENTS
PRESCRIBED BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

The California Regional Water Quality Control Board, San Francisco Bay
Region (hereinafter called the Board), finds that:

1. Pacific Refining Company, hereinafter the discharger, discharges
wastes from its Hercules oil refinery into San Pablo Bay. On July 18,
1978, the Board reissued NPDES Permit No. CA0005096 as Order No.
78-48 which prescribes waste discharge requirements for the
discharge.

2. The requirements of Order No. 78-48 provide in part as follows:

"A. Effluent Limitations

1. The discharge of Waste 001 containing constituents in excess
of the following limits is prohibited:

<u>Constituent</u>	<u>Units</u>	<u>30-Day Average</u>	<u>Maximum Daily</u>
BOD ₅	lbs/day	306	551
	kg/day	139	250
...
Oil and Grease	lbs/day	89	167
	kg/day	40.4	76
	mg/l	-	15
Phenolic Compounds	lbs/day	2.01	4.12
	kg/day	0.91	1.87

2. The following allocations attributable to runoff and ballast
which is treated and discharged as part of Waste 001 shall
be added to the effluent limitations specified in Waste 001.
The allocations below shall be calculated by the method
specified in Section B of the Self-Monitoring Program.

ADDITIONAL POUNDS (KILOGRAMS) OF POLLUTANT PER THOUSAND
GALLONS OF FLOW TREATED AND DISCHARGED AS PART OF WASTE 001

POLLUTANT	STORM RUNOFF		BALLAST	
	30-day Average	Maximum Daily	30-day Average	Maximum Daily
5-day 20°C BOD	0.21 (0.0953)	0.40 (0.181)	0.21 (0.0953)	0.40 (0.181)
Total Suspended Solids	0.17 (0.077)	0.26 (0.118)	0.17 (0.077)	0.26 (0.118)
....

3. In any representative set of samples Waste 001 as discharged shall meet the following limit of quality:

The survival of test fishes in 96-hour bioassays of the effluent shall be a 90 percentile value of not less than 50 percent survival.

....

C. Provisions

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4. (Standard Provision A.1.)

Neither the treatment nor the discharge of wastes shall create a nuisance or pollution as defined in the California Water Code."

3. After a shut-down of refinery facilities for approximately one year, the discharger started up operations in early 1983. The discharger's self-monitoring reports indicate recurring violations of effluent limitations A.1. (BOD, Oil and Grease, and Phenolic Compounds), and A.3. (toxicity) of Order No. 78-48 since that time. The discharger has further indicated that upstream upsets, mechanical problems, and low biological treatment efficiency have caused these violations.
4. Recent communication between the Regional Board staff and the staff of the Bay Area Air Quality Management District indicates that District Hearing Board has held recent hearings, and scheduled a further hearing in late December concerning additional odor nuisance episodes that have occurred during the past several months.

5. The Executive Officer issued Clean-up and Abatement Order (CAO) No. 84-002 to the discharger on March 27, 1984 because of the violations cited in the Findings of this CAO.
6. The Board, on May 16, 1984, adopted Cease and Desist Order No. 84-19 requiring the discharger to cease and desist forthwith from discharging waste contrary to the requirements contained in Order No. 78-48, as listed in Finding No. 2 of Order No. 84-19 and repeated in Finding No. 2 of this Order.
7. The limitation contained in Order No. 78-48 have been superseded by those contained in Order No. 85-30 as adopted by the Board on February 20, 1985. Recent self-monitoring reports indicate that the discharger is violating or threatening to violate these new limitations:

A. Effluent Limitations

1. The discharge of Waste 001 containing constituents in excess of the following limits is prohibited:

<u>Constituents</u>	<u>Units</u>	<u>30-day Average</u>	<u>Maximum Daily</u>
BOD (5-day @ 20°C)	lbs/day	163	294
	kg/day	74	134
. . .			
Oil and Grease	lbs/day	48	89
	kg/day	22	40
	mg/l		20
Phenolic Compounds	lbs/day	1.01	2.20
	kg/day	0.46	1.00
. . .			

2. In addition to the 30-day average and daily maximum pollutant weight allowances shown in A.1, allocations for pollutants attributable to stormwater runoff discharged as a part of Waste 001 are permitted in accordance with the following schedules:

STORMWATER RUNOFF

<u>Constituent</u>	<u>Units</u>	<u>30-day Average</u>	<u>Maximum Daily</u>
BOD (5-day @ 20°C)	mg/l	26	48
TSS	mg/l	21	33
. . .			

The total effluent limitation for the discharge is the sum of the stormwater runoff allocation and the mass limits contained in A.1. The total effluent limitation (both maximum and average) is to be computed by the discharger on a monthly basis as shown in Part B of the Monitoring Program.

. . .

5. In representative samples of the effluent, the discharge of Waste 001 shall meet the following limit of quality:

TOXICITY:

The survival of threespine stickle back (*Gasterosteus aculeatus*) test fishes in 96 hour bioassays shall achieve a 90 percentile) value of not less than 50 percent survival based on any ten consecutive samples.

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C. Provisions

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10. (Standard Provision A.1.)

Neither the treatment nor the discharge of wastes shall create a nuisance or pollution as defined in the California Water Code"

8. The Board finds that the Bay Area Air Quality Management District is currently conducting proceedings regarding the odor nuisance issue, and therefore reserves for future consideration a finding concerning compliance or non-compliance with Provision C.10 (Standard Provision A.1 - prohibition against nuisance).
9. The Board on February 20, 1985, after due notice to the discharger and other affected persons, conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
13. The Board finds that this action is an order to enforce waste discharge requirements previously adopted by the Board. This action is therefore categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15121 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED THAT Pacific Refining Company, Hercules, Contra Costa County, cease and desist from discharging wastes contrary to the requirements contained in Order No. 85-30 as listed in Finding 7 of this as follows:

- A. The discharger shall immediately comply with limitations of Order No. 85-30 as listed in Finding No. 7 of this Order, except Provision C.10 (Standard Provision A.1 - prohibition against nuisance.)

- B. The Board continues consideration of compliance with Provision C.10 (Standard Provision A.1 - prohibition against nuisance) until such time as the Bay Area Air Quality Management District proceedings are concluded, provided that the Executive Officer is satisfied that substantial progress is being made in these proceedings.
- C. If the Executive Officer finds that the discharger has failed to comply with provisions of this Order, he is authorized after approval of the Board Chairman, to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.
- D. If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons Order that the discharger has been unable to comply with the provisions of this Order.
- E. The Board will consider rescission of this Order after the discharger has demonstrated consistent compliance with the terms and conditions of this Order and Order No. 85-30 during the 1984-84 winter season.
- I. Order No. 84-19 is hereby amended.

I, Roger B. James, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on February 20, 1985.

ROGER B. JAMES
Executive Officer